

REMARKS

Claims 1-27 are currently pending in the present application, of which Claims 1, 3-8 and 15-21 have been amended.

Support for amendments to Claims 1 and 15 can be found on page 8, line 11-13 of the specification, and such amendments are made to further clarify the claimed invention.

A period has been added to each of Claims 3-8 and 16-21; thus, the claim objection is believed to be overcome.

Applicant notes with appreciation the Examiner's indication that Claims 3-14 and 16-27 would be allowable if they were rewritten in independent form including all of the limitations of the base claim and any respective intervening claims.

Rejection under 35 U.S.C. § 103

Claims 1-2 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lee* (US 5,818,543). Applicant respectfully traverses such rejection insofar as it might apply to the claims as amended herein.

Amended Claim 1 (and similarly Claim 15) now recites a step of "determining an energy of said baseband signal" and a step of "in response to a determination that said energy of said baseband signal being equal to or greater than a predetermined threshold, swapping intermediate frequency (IF) for an incoming signal by changing an oscillation frequency of a local oscillator within said RF receiver." On page 3 of the Office Action, the Examiner asserts that the claimed determining and swapping steps are disclosed by *Lee* in col. 5, lines 44-52. Col. 5, lines 44-52 of *Lee* states that

The bandpass filter 50 provides the noise 52 to a noise circuit 54. The noise circuit 54 includes circuitry for amplifying, rectifying, and filtering the noise 52 to smooth out fluctuations in the noise 52. The noise circuit 54 further includes circuitry for detecting the level of the noise component 52. When the level of the noise 52 exceeds a predetermined level, detection circuitry of the noise circuit 54 provides an antenna switching circuit 64 with a command signal 66.

From the above-stated paragraph, it is evident that there are many differences between the claimed determining and swapping steps and *Lee*'s teachings. For example, the claimed determining step is related to a determination of the "energy" of a baseband signal, and the claimed swapping step is performed "in response to a determination that said energy of said baseband signal being equal to or greater than a predetermined threshold" (emphasis added). In contrast, noise circuit 54 is utilized to detect the noise level of noise 52. Although on page 3 of the Office Action, the Examiner has taken an Office notice that it is well known in the art for the noise to include the image of the desired signal. However, since *Lee* teaches the detection of the level of noise, and there is no direct correlation between the level of noise and the energy of a baseband signal, *Lee*'s teaching cannot be applied to the claimed invention.

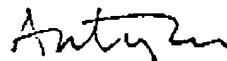
In addition, the claimed swapping step is not taught or suggested by *Lee* because *Lee* teaches an injection of command signal 66 to antenna switching circuit 64 in order switch from one antenna responsible for the receiver signal to another antenna (col. 5, lines 49-52; ABSTRACT). *Lee* does not teach or suggest swapping IF for an incoming signal by "changing an oscillation frequency of a local oscillator within said RF receiver," as claimed. Because the claimed invention recites novel features that are not taught or suggested by *Lee*, the § 103 rejection is believed to be overcome.

CONCLUSION

Claims 1-27 are currently pending in the present application. For the reasons stated above, Applicant believes independent Claims 1 and 15 and their respective dependent claims are distinguished over the cited reference under § 103, and should be in condition for allowance. The remaining prior art cited by the Examiner, but not relied upon, has been reviewed and is not believed to show or suggest the claimed invention.

No fee or extension of time is believed to be necessary; however, in the event that any fee or extension of time is required for the prosecution of the present application, please charge it against Dillon & Yudell Deposit Account No. 50-3083.

Respectfully submitted,



Antony P. Ng
Registration No. 43,427
DILLON & YUDELL, LLP
8911 N. Capital of Texas Hwy., suite 2110
Austin, Texas 78759
(512) 343-6116

ATTORNEY FOR APPLICANT